



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207



## VOTE SHEET

2001 OCT 11 PM 12:15

DATE: OCT 11 2001

TO: The Commission  
Todd A. Stevenson, Acting Secretary

FROM: Michael S. Solender, General Counsel *MS*  
Stephen Lemberg, Assistant General Counsel *SL*  
Loweil F. Martin, Attorney, GCRA (ext. 2217) *LM*

SUBJECT: Final PPPA Rules to Require Child-Resistant Packaging for Certain Household Products Containing Hydrocarbons

BALLOT VOTE DUE Tuesday, October 16, 2001

The attached staff briefing package recommends that the Commission approve final rules to require child-resistant (CR) packaging for certain household products containing hydrocarbons. The rules, which are attached to the staff briefing package as Tab E, would apply prospectively to any such products packaged after the effective date, which if the Commission approves the final rules as drafted, would be one year after their publication in the Federal Register.

The draft final rules would require CR packaging pursuant to authority granted to the CPSC by the Poison Prevention Packaging Act of 1970, as amended, (PPPA). The new regulations would appear at 16 C.F.R. §§ 1700.14(a)(31) and (32).

The rules would apply to certain household products that contain ten percent (10%) or more hydrocarbons and have a viscosity of less than 100 Saybolt Universal Seconds (SUS) at 100 °F (covered products). For purposes of the rules, "hydrocarbons" are defined as those compounds, such as simple petroleum distillates, that consist solely of carbon and hydrogen. This is consistent with the proposed regulation (NPR) issued by the Commission for comment on January 3, 2000. 65 FR 93.

The provision at § 1700.14(a)(31) would apply to hazardous substances containing low-viscosity hydrocarbons. The provision at § 1700.14(a)(32) would apply to drugs and cosmetics containing low-viscosity hydrocarbons. This approach is due to the fact that the PPPA uses the enforcement mechanisms of the Federal Hazardous Substances Act (FHSA) for the former and the enforcement mechanisms of the Federal Food, Drug, and Cosmetics Act (FDCA) for the latter category of household products.

The NPR would have imposed the CR requirements on certain aerosols and pump and trigger sprayer packagings for covered products. These requirements are not imposed in the draft final rules.

NOTE: This document has not been  
reviewed or accepted by the Commission.

Initial *SL* Date *9/13/01* CPSC Hotline: 1-800-638-CPSC(2772) ★ CPSC's Web Site: <http://www.cpsc.gov>

CPSA 6 (b)(1) Cleared

No Mfrs/Products of *9/13/01*  
Products Identified *SL*  
Exemption *SL*  
Sign. *SL*

The staff recommends that the issues surrounding this aspect of the NPR be addressed in a future proceeding.

Please indicate your vote on the following options.

I. APPROVE THE FINAL RULES AS DRAFTED.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

II. APPROVE THE FINAL RULES WITH THE FOLLOWING CHANGES (PLEASE SPECIFY).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

III. DO NOT APPROVE THE FINAL RULES AS DRAFTED

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

IV. TAKE OTHER ACTION (PLEASE SPECIFY).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Attachment

Staff briefing package